

Smart Buildings Policy Project -- Building Access Overview and Problems

- Members of the Smart Buildings Policy Project (SBPP) are attempting to bring facilities-based competition to multi-tenant environments (MTEs).
- There are still persistent and pervasive problems precluding competitive access to multi-tenant environments.
- Such problems are the direct result of unreasonable restrictions and onerous conditions on competitive carriers attempting to serve consumers in multi-tenant environments.
- Swift and firm action from the Commission is still necessary to curb anti-competitive behavior.
- The Commission can and should directly prohibit MTE owners from unreasonably discriminating among facilities-based telecommunications carriers in the provision of access to MTE tenants.
- The Commission may accomplish pro-competitive nondiscriminatory access objectives through regulations imposed on carriers themselves and enjoining MTE owners from discriminatory practices through use of the Section 411(a) joinder mechanism.
- The principle of technological neutrality and the federal policy of promoting competition through a variety of transmission mechanisms compel the Commission to construe Section 224 in a manner that accounts for telecommunications carrier access through use of technologies other than those used by the incumbent utilities (*i.e.*, by providing Section 224 access to MTE rooftops).
- Granting building owners a veto right over telecommunications carrier access to in-building ducts, conduits, and rights-of-way owned or controlled by utilities eviscerates the intended pro-competitive benefits of Section 224.
- Providing telecommunications carrier access to utility ducts, conduits, and rights-of-way within MTEs will not implicate the property rights of MTE owners.
- The Commission's rules governing facilities-based telecommunications carrier access to tenants in MTEs must apply equally to residential and commercial environments.
- All exclusive provisions in access agreements for commercial and residential MTEs, existing and prospective, should be rendered null and void upon a tenant's request for service from a competing carrier.
- Every building – most particularly, every essential government facility – should have access to multiple telecommunications carriers with diverse and redundant networks in order to avoid problems caused by a single point of failure.